

REMARKS

In reply to the above Office Action, claims 1 and 12 have been amended to avoid the Examiner's rejections of these claims under §112, second paragraph. They have also been amended to correct a typographical error and to place them in better form.

Withdrawal of the rejection of the claims under §112, second paragraph is, therefore, requested.

Claim 1 has also been amended to delete "a cyano group substituted lower alkyl group" as a definition of R and the "halogen atom" of X has been limited to a "chlorine atom" or a "bromine atom." Support for a bromine atom and a chlorine atom for the definition of X can be found, for example, on page 15, lines 24-26 of the specification.

In the Office Action the Examiner rejected claim 1 under 35 U.S.C. §102(b) for being anticipated by Nagarajan et al. (CA 101 : 211044), hereafter Nagarajan. The claim was also rejected under 35 U.S.C. §103(a) for being obvious over U.S. Patent No. 3 493,582 to Hoffer.

The indicated allowance of claims 13-16 is appreciated. Since claim 12 was not rejected over the prior art, but only under §112 second paragraph, it is believed this claim is now in condition for allowance. Further, in view of the amendments to claim 1, it is believed this claim is also now in condition for allowance.

With respect to the rejection of claim 1 over Nagarajan, since R in formula (1) no longer includes a cyano group substituted lower alkyl group, it is believed the claim is no longer anticipated by this reference. Withdrawal of Nagarajan as a ground of rejection under §102(b) is, therefore, requested.

With respect to the rejection of claim 1 over Hoffer, this reference broadly discloses a nitroimidazole where A can be a nitro group, B hydrogen, R₁

2,3-epoxypropyl, and R₂ a halogen, as well as hydrogen or a lower alkyl. In this regard the Examiner refers specifically to Example 11 where the compound disclosed is 1-(2,3-epoxypropyl)-2-iodo-4-nitroimidazole.

As noted above, the "halogen" of X in formula (1) has now been limited to a "chlorine atom" or a "bromine atom." Therefore, a compound of formula (1) of claim 1 similar to the compound of Example 11 of Hoffer is one where a chlorine or a bromine atom is at the 2-position of the imidazole backbone and a 2,3-epoxypropyl group is at the 1-position. On the other hand, the compound of Example 11 has an iodine atom at the 2-position of the imidazole backbone. This is different from that of the present invention and not included in claim 1.

Moreover, while Hoffer may broadly claim that R₂ can be halogen, it is not seen where it is ever specifically disclosed to be chlorine or bromine. If it is disclosed, it is always iodine.

As disclosed on page 120, lines 7 to 12 of the specification of this application, the compound of formula (1) is used as an intermediate for synthesizing the antitubercular agents as shown in Reaction scheme-12 and Reaction scheme-13 disclosed earlier in the specification. On the other hand, the compound of Hoffer per se is used as a chemotherapeutic agent. Thus the utility of the compound of the present application is different from that of Hoffer.

Accordingly, it is submitted that claim 1 is not obvious in view of Hoffer. Its withdrawal as a ground of rejection of claim 1 under §103(a) is, therefore, requested.

It is believed claims 1 and 12-16 are in condition for allowance. Non-elected claims 2-11 have been cancelled to advance the prosecution of this application.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

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Dated: July 31, 2007

By:

A handwritten signature in black ink, appearing to read 'Arthur S. Garrett', written over a horizontal line.

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